

ELECTIONS IN THE TURKMENISTAN POWER SYSTEM

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Prologue

The Central Asian countries have failed to grasp the meaning of election campaigns as the central and inalienable element of democracy. The larger part of the region's ruling elite still looks at elections as an embellishment of authoritarian regimes of all hues. In Central Asia, the question of who will rule in the name of people—the reason why elections are carried out throughout the world—is discussed and settled in high places long before the nation is called to take part in a vote-casting spectacle.

Any spectacle requires directors and professional actors, the role of the latter being entrusted to political parties and prominent politicians. For some reason, the skills of the Kazakhstani actors are much higher than elsewhere in the re-

gion, therefore elections in Kazakhstan look more plausible.

No matter how well orchestrated, the spectacles do flop occasionally. The latest such flop took place in Kyrgyzstan in the spring of 2005. The script supplied by Akaev's team for the parliamentary election was discarded: the docile Kyrgyz audience was fed up with the old play. All of a sudden, the people climbed up onto the stage and made drastic changes to the script. This is a rare exception. Normally, elections in Central Asia follow the route laid by the communists when the Soviet Union was still alive. All that has changed is that different actors are presenting the same old play with new stage sets. Just as before, the authorities are determining the election results, not vice versa.

The Turkmenian Phenomenon

I have already written about the phenomenon of Central Asian elections,¹ yet for certain reasons I left the situation in Turkmenistan beyond the article's scope. I selected Turkmenistan as a subject of my present article because, although it belongs to the region, it is the least studied of the Central Asian states. It does not differ from its neighbors where elections are concerned, since the parliament and elections play no important role in local political developments: power belongs mainly or absolutely to the president. On the other hand, Turkmenistan is a rare exception in Central Asian (and the entire post-Soviet expanse, for that matter) post-Soviet political practices. Its political regime is unique: it has nothing in common with the authoritarian regimes of Kazakhstan, Uzbekistan, and Tajikistan, to say nothing of the moderate, semi-authoritarian post-Akaev regime in Kyrgyzstan.

Described in Western political terms, the contemporary Turkmenian regime can be called totalitarian. This is not an unambiguous definition: this regime is not a copy of the classical versions of the West European totalitarian regimes of Mussolini in Italy, Hitler in Germany, or Franco in Spain; it has

¹ See: A. Kurtov, "Presidential Elections in Central Asia," *Central Asia and the Caucasus*, No. 6 (18), 2002.

little in common with the Soviet communist totalitarianism either. The totalitarian regime of Turkmenistan has borrowed certain elements of Oriental despotic regimes and certain features of the new authoritarian regimes of contemporary agro-industrial states to become a special phenomenon with a totalitarian core. I have no intention, however, of supplying moral assessments.

As distinct from the above-mentioned totalitarian regimes, Turkmenian totalitarianism is not a product of civil wars or fierce domestic conflicts that can be described as coups (this happened at one time in Italy, Germany, Spain, and the Soviet Union). Turkmenian totalitarianism is not guilty of large-scale bloodshed in the course of political repressions. Contrary to what the Turkmenian opposition in exile is saying, the country avoided the use of force on a great scale. The regime used and continues to use force against its political opponents and subjects them to inhuman treatment. The scale of repressions, their intensity, and other qualitative and quantitative descriptions are important for academic reasons. What is important here is the fact that power in Turkmenistan rests on the threat of violence.

Turkmenian totalitarianism is a product of a relatively smooth transformation of the later version of the Soviet totalitarian regime. This is a regime of personal power of President Saparmurat Niyazov. All the other Central Asian political regimes failed to achieve a level of omnipotence of the head of state comparable to that observed in Turkmenistan.

The West European totalitarian regimes emerged at the stage of industrial society: the high organizational nature and manageability of business, as well as its close ties with the state machine made it possible to tighten control over society. Turkmenistan is not an industrial society; private enterprise is poorly developed, which suggests that we are dealing with a symbiosis of totalitarianism and despotism.

The very fact that the country has only one party—the Democratic Party of Turkmenistan (DPT)—looks like the best confirmation of the country's totalitarian nature. This party is not a political organization in the true sense of the word. It had no role to play in real politics and serves one of the embellishments of Turkmenbashi's power system. It is a totalitarian regime with total control over society as a whole and each of its members designed to force each and everyone to accept President Niyazov's values and collectivist ideas. The ideology itself is totalitarian, as well as the desire to impose on the nation a single ideological system formulated by the president in his writings and his main creative work called *Rukhnama*. It is in these spheres that Turkmenian totalitarianism manifests itself in the literal sense of the Late Latin word *totalitas*, which means integrity and completeness.

The populist and demagogical smokescreen conceals the fact that ideology in Turkmenistan is a set of ideas that justifies President Niyazov's right to realize his own policies. It is a totalitarian ideology because it claims to be the ultimate truth. In this form it is imposed upon people.

Chronology of Aggrandizement

The above will help us assess and appreciate the true place of elections in the system of Turkmenian power. Election campaigns can serve as an instrument of democracy if society is functioning in the system of economic, political, and ideological pluralism which, as distinct from totalitarianism, accepts a variety of forms of being, including multi-party systems, public figures, various ideas and opinions, the media, and possible development alternatives along with their varied assessments.

Rejection of pluralism limits human behavior alternatives and political choice to that permitted by the authorities. When applied to elections, this means that the voters are forced (by various means) to advance along a narrow corridor to a final destination chosen by others. They are forced to vote for those whom the authorities want to see elected. In different places this is done with varying degrees of cynicism, while the authorities are prepared, to different degrees, to use coercion to force the people to act according to pre-arranged patterns, rather than according to their own choice.

All the Central Asian countries have already created such “corridors of choice.” In Kazakhstan, where this corridor is better lit and wider than elsewhere, the authorities allow many (but not all) opposition political structures to take part in the elections. The state leaders, however, do their best not to let the voters wander away from the pre-arranged course. In Tajikistan, the corridor is narrower, and opposition structures must go through a stricter screening process.² In Uzbekistan, the opposition has no chance of taking part in the elections. The screening methods are not important. What is important is the obvious reluctance to accept the key postulate: the nation has the right to elect its leaders and nobody should encroach on this freedom.

Turkmenistan is the best example of the above. Saparmurat Niyazov remains at the helm longer than any of his Central Asian colleagues. President of Kyrgyzstan Bakiev and President of Tajikistan Rakhmonov came to power after their republics had already gained their independence; the presidential powers of Karimov in Uzbekistan and Nazarbaev in Kazakhstan date back to Soviet times: March and April 1990, correspondingly.

Niyazov also became president in 1990, but before that he was First Secretary of the C.C. of the Communist Party of the Union republic longer than any of the above-mentioned leaders. Nazarbaev was elected First Secretary of the C.C. of the Communist Party of Kazakhstan in June 1989 when he replaced Kolbin, earlier appointed by Mikhail Gorbachev. Karimov filled a similar post in Uzbekistan approximately at the same time under similar circumstances: he replaced Nishanov, who was invited to Moscow to take the post of the Chairman of the Nationalities Council of the U.S.S.R. Supreme Soviet. Niyazov replaced Gapurov as early as December 1985.

This is important. First, from the political (but not legal) point of view Niyazov has been heading his republic ever since: it was the top party bureaucrats who ruled in the Soviet Union. At that time, however, the Politburo of the C.P.S.U. Central Committee controlled all the first secretaries in the republics.

Second, during the perestroika years, social and political life in the Soviet Union changed a great deal, while Turkmenistan hardly felt these changes: Niyazov, who came to power during the Soviet totalitarian period, fossilized its traditions and excluded any other alternatives. At first, he was merely following the commonly accepted practice instructions of the late Soviet period: while formally obeying the Politburo’s general recommendations, he rejected all changes. It was at that time that the republic acquired a president; the first presidential election, with one candidate running for the post, took place on 27 October, 1990. The absolute majority of those who came to the polls, 1,716,278, or 98.3 percent out of the total number of 1,746,375, voted for Niyazov.

In an effort to prove that his legitimacy had nothing to do with the Soviet laws, Niyazov organized another presidential election as soon as his republic acquired independence and a new Constitution was adopted on 18 May, 1992. Once more he was the only candidate. It became absolutely clear that he treated elections as a fashionable embellishment of his rule, rather than as a democratic mechanism. In Turkmenistan, nobody expected to replace the ruler through popular vote: elections were seen as precious stones in the ruler’s crown. The result was obvious: on 21 June, 1992 the share was even larger than two years previously (on 27 October, 1990): 99.5 percent.

The parliament was elected much later: in December 1994. By that time, it was no longer called the Supreme Soviet, as before, with 175 deputies, but the Mejlis with 50 “people’s deputies.” Since the country has only one political party—the Democratic Party of Turkmenistan, formerly the republic’s Communist Party—there were no alternative candidates at the parliamentary election either. Compared with the C.P.S.U., which served as the Soviet Union’s political linchpin, this party is a small

² The parliamentary election of 27 February, 2005 may serve as an example. There were six registered political parties in Tajikistan. As distinct from Kazakhstan, the Tajik leaders did not set up artificial opposition structures. A large part of the opposition is legal. There are some oppositional organizations, politicians, and journalists not allowed to work openly in the republic. They work clandestinely or in exile.

cog in the power system. No wonder the very first lines of its Charter say: “The Democratic Party of Turkmenistan (DPT) is a political organization which, under the guidance of Saparmurat Ataevich Niyazov (Saparmurat Turkmenbashi), will strive at the turn of the 21st century to strengthen the country’s independence and its positive neutrality for the sake of building a democratic and secular state ruled by the law, and a fair society. In the age of Turkmenbashi, its motto is ‘the policy of President of Turkmenistan Great Saparmurat Turkmenbashi is the course of the Democratic Party of Turkmenistan.’”³

Niyazov did not need the parliament as a structure of power; he never planned to share his power with it or with any other structure. He was not afraid that the parliament might oppose his plans as happened in Kazakhstan, Tajikistan, and Kyrgyzstan in the first half of the 1990s, where the parliaments tried to check the presidents. Turkmenistan followed another route.

I am convinced that from the very beginning Niyazov did not want the nation to look at his post as belonging to the Western political and legal tradition, which describes the president as a hired worker with definite functions society has entrusted to him. Niyazov wanted to convince the nation that the country had been given a God-inspired chance of acquiring not a hired bureaucrat, but a unique and immensely talented leader. From this it followed that presidential elections were needed not to choose the best out of many, but to demonstrate the nation’s gratitude to the leader and its readiness to follow him. Logically enough, the idea of a long presidency was promptly formulated, while the president preferred to simulate his reluctant obedience to popular will. He demonstratively rejected the suggestion that his mandate should be prolonged for five more years through voting in the parliament as not strictly democratic. The totalitarian regime required general approval through a referendum.⁴ There were historical precedents: in the 1930s Hitler’s unlimited power in Germany was also based on a referendum about merging the posts of president, Reichskanzler, and Führer.

On 15 January, 1994, 99.9 percent of the citizens with the right to vote came to the polls to take part in the referendum; 99.99 percent of them agreed that there should not be a presidential election in 1997 (only 212 people were against). In this way, Niyazov’s power was extended to 2002. The referendum marked a turning point in the country’s domestic policy: from that time on, presidential power was identified with one person only.

Having settled the issue to his satisfaction, Niyazov plunged into experiments in other spheres. In 1999, the Mejlis was elected on an alternative basis for the first time in its history: the ballot papers contained more than one name. The usual course was not disrupted, however: all the deputies were elected in the first round. In December 1999, long before the next presidential election was due, the Khalk Maslakhaty⁵ issued a document on the Powers of the First President of Turkmenistan Saparmurat Turkmenbashi. Under Para 1 of the operative part, Niyazov was granted “the exclusive right to remain the head of state without time limitations.”

Parliamentary Elections of 2004-2005

Turkmenistan’s election laws do not digress far from international standards. Along with the country’s Constitution, there are laws on Election of Deputies to the Mejlis of Turkmenistan endorsed back in the first half of the 1990s and on Guarantee of the Election Rights of the Citizens of Turkmenistan dated to 1999. From the formally legal point of view, the former contains relatively clear norms;

³ *Ustav Demokraticeskoy partii Turkmenistana. The version adopted by its congress on 19 December, 1998*, Ashgabad, 1999.

⁴ As distinct from Kazakhstan and Uzbekistan, the referendum in Turkmenistan took place long before the president’s term expired: Niyazov was obviously not afraid of losing his post—he wanted to add more luster to his totalitarian system.

⁵ Khalk Maslakhaty is “the highest representative body of legislative power of Turkmenistan” with no analogies in the world.

the latter, however, is pure propaganda: its few articles are two pages long, while the norms promise nothing more than general references to the “laws of Turkmenistan.”

Under this law, public organizations and meetings of voters⁶ can nominate candidates; the latter have the right to carry out election campaigns, etc. It should be kept in mind though that such campaigns take place in a strictly controlled society kept within limits no one can transgress. There is no chance of setting up a new political party with parliamentary ambitions, even though the laws do not rule out such possibility.

The Turkmenian laws do not hold water from the formally legal stance either. This fully applies to the way the central commission for elections and referendums is staffed. It is set up on a decision of the Khalk Maslahaty, a structure that defies the division of powers theory. The Central Election Commission, as well as the Khalk Maslahaty, is staffed with functionaries. The laws limit election campaigns to a very short period.⁷ This means that the campaign is too short to permit election platforms to compete; in fact, nobody needs such competition. The age qualification (25 years) for Mejlis deputies is high enough; the residence requirement is 10 years; there is also an institution of political disfranchisement similar to the Soviet practice abolished by Khrushchev. In other words, convicted criminals may be nominated as deputies no sooner than five years after their discharge from prison. Such people are regarded as suspects who have not yet redeemed their guilt.

Recently the number of observers was increased, yet this new circumstance never affected the already established practices. In the past, observers could only be selected from among those employed by the notorious National Institute for Democracy and Human Rights under the president of Turkmenistan; during the 2004-2005 elections, 200 observers from the loyal public structures (the DPT, National Trade Union Center, the Gurbansoltan Women’s Union, named after President Niyazov’s mother, and the Makhtumkuli Youth Organization) were allowed inside the polling stations. All of them confirmed that the elections were excellently organized and fully corresponded to all the legal requirements.⁸

The above-mentioned National Institute has supplied many thought-provoking facts. Here is one of them. The Institute published a certain document of a purely propagandist nature in the official press called “Election Laws of Turkmenistan and International Law”⁹ to prove that elections in the republic were organized at the world’s highest level or even better. Its authors wrote: “Turkmenistan is one of the few, if not the only, country in the world that publishes the programs of all the candidates not only in the local, but also in the national press.” The people who wrote this expected that the men-in-the-street would readily believe this.

In fact, the programs that appeared in the national media could hardly be called programs. They were not different from all the other information that appeared daily in the newspapers. To prove the above, let me quote from the same issue which carried the Institute’s boasts. Here is the text of a candidate¹⁰ who ran from constituency No. 34 of the Lebap velayat.¹¹

“First of all, I would like to express my heartfelt gratitude to the working people of the Saiat etrap¹² and my fellow countrymen, as well as to the party, trade union, youth, women’s, veteran, and other organizations that nominated me as candidate to the Mejlis of Turkmenistan. I shall treat the wishes and interests of my electorate as the main factor of my efforts to use my knowledge and experience if I am elected to the people’s parliament. As a deputy, I promise to indefatigably support and actively participate in carrying out the policies of the President of Turkmenistan Saparmurat Turk-

⁶ According to the Turkmenian media, all candidates received unanimous support at the meetings which nominated them (see, for example, *Neytral’ny Turkmenistan*, 17 November, 2004).

⁷ The nomination campaign lasted from 4 to 18 November; the candidates were registered by 24 November, while the first round of elections took place on 19 December.

⁸ See: *Neytral’ny Turkmenistan*, 8 January, 2005.

⁹ *Neytral’ny Turkmenistan*, 16 December, 2004.

¹⁰ He was finally elected deputy.

¹¹ Velayat—an administrative-territorial unit (region).

¹² Etrap—an administrative-territorial unit (district).

menbashi for the sake of the economic, social, political, and cultural prosperity of our state, improvement of the nation's well-being, and to reflect and protect the interests and expectations of our people.

"The National Program 'Strategy of Economic, Political, and Cultural Development of Turkmenistan until 2020' adopted by the 14th Session of the Khalk Maslakhaty will be the document I shall treat as my main duty to fulfill. There are other laws of historic importance: the Land, Water, and Taxation codes of Turkmenistan adopted by the 15th Session of the Khalk Maslakhaty. I am absolutely convinced that the task of elaborating associated normative acts will become the main task of all the Mejlis deputies of the new convocation.

"During the 13 years of its independence, under the wise guidance of President Saparmurat Turkmenbashi, the Turkmenian state has reached high development levels in all spheres and joined the ranks of the economically developed countries. By drawing on the noble traditions and customs of our ancestors and by repeatedly saying that man is the highest value of society and the state, the Great Serdar¹³ is indefatigably working for the well-being of all people and the protection of human rights.

"Since the level of guaranteed social benefits is directly associated with the economy and the development of market relations, I promise to take an active part in elaborating laws promoting the economy's private sector and strengthening the class of landowners and businessmen.

"I promise to constantly study the interests of the people, to help develop health protection, education, and services, and to improve labor conditions and wages of the workers and *daykhans* (peasants.—*Ed.*). My participation in the election and the chance to become a deputy have presented me with a highly important task: the elaboration and adoption of new laws and improvement of the current normative acts require good training and constant learning. I shall do my best to raise my educational level and to consult with experts to be worthy of the high title of people's deputy.

"President of Turkmenistan Saparmurat Turkmenbashi is carrying out a very specific policy which, while relying on the Turkmenian people's centuries-old experience and culture, takes into account the world's experience of the development of mankind. I shall spare no effort to actively promote the course of the nation's leader. I regard the people's trust in me and the chance to participate in the cardinal changes in all spheres of public and state life carried out by the Great Serdar a great honor and huge responsibility. If I am elected deputy to the Mejlis of the third convocation, I shall do my best to be worthy of this high title."

Anybody familiar with Soviet rhetoric will easily discern familiar features in the above: the same references to the "decisions of the party and government," the same quotes from the leader, and the same servility.

According to the Central Election Commission of Turkmenistan, there were 140 candidates for deputy;¹⁴ later the number dropped to 135 (according to the media, some of them voluntarily withdrew from the race).¹⁵ On election day, there were 131 candidates¹⁶ left, which meant that competition in the 50 constituencies was not stiff. There was no information about the organizations that nominated the candidates, but, according to indirect data, in Ashghabad 15 (the absolute majority) out of the 19 candidates registered in all six constituencies were nominated by meetings of citizens. The DPT City Committee, the Council of the National Trade Union Center, the Republican Council of the Makhtumkuli Youth Organization, and the Council of the Gurbansoltan Women's Union nominated only one candidate each. This confirms that, as distinct even from the Soviet version of political arrangements, parties and public organizations have no important role to play in Turkmenistan.

Still, for the first time in the country's history, the election to the Mejlis of the third convocation that took place on 19 December, 2004 and attracted 76.88 percent of the voters failed to produce all the required deputies. Only forty-three out of 50 were elected, while in seven constituencies a second

¹³ This refers to S. Niyazov (*serdar* is "leader" in Turkmenian).

¹⁴ *Neytral'ny Turkmenistan*, 24 November, 2004.

¹⁵ See: *Neytral'ny Turkmenistan*, 1 December, 2004.

¹⁶ See: *Neytral'ny Turkmenistan*, 20 December, 2004.

round was needed. Two deputies with the largest number of votes had to compete again.¹⁷ This happened in one of the Ashghabad constituencies,¹⁸ in two constituencies each in the Ahal and Dashoguz velaiats, and in one constituency in the Balkan and one in the Mary velaiat. All of these constituencies demonstrated common features: first, female candidates lost to men; and second, the candidates that filled lower administrative posts lost to those who were higher up the bureaucratic ladder. This obviously needs no elaboration.

Significantly, the Central Election Commission supplied only general information across the republic¹⁹ and said nothing about the figures in terms of constituencies and candidates. The nation not only never learned the number and share of votes cast for each of the candidates, nor did it know the names of those elected in the first round. These practices on the part of the Central Election Commission are an obvious violation of the principle of election openness, which makes any reliable analysis impossible. It was probably for this reason that the media lost interest in the election campaign as soon as the final results had been published: the press, radio, and TV offered no election-related information. Only the Turkmenian Information Agency pointed out that the election “was a new landmark in the chronicle of our independence and demonstrated that Turkmenian society has reached maturity and achieved a high democratization level.”

The second round, which took place on 9 January, 2005, attracted 72.24 percent of the voters. On 11 January, the media carried the final list of the elected Mejlis deputies which contained no information about the number of votes cast for each of them, nor was mention made of the structures that nominated them, their party affiliation, nationality, education level, or even their age. The list, however, revealed that most of them were civil servants. Fifteen deputies, or 30 percent of the total number, were in the Mejlis of the second convocation; 12 (24 percent) were civil servants, 1 (2 percent) was employed by the law enforcement structures, 10 (20 percent) came from industry and agriculture (mainly heads of enterprises and farms or of their smaller units), 2 (4 percent) worked in the public health sector, and 3 (6 percent) in education (secondary and higher education). The media and commercial banks were represented by 1 deputy, or 2 percent, each; DPT functionaries received 4 seats (8 percent), and functionaries of public organizations, 1 (2 percent).

E p i l o g u e

In 2005, the country acquired a new version of its Fundamental Law and a new law on Election of Mejlis Deputies; the new documents contained no novelties. In February 2005, the president promised to bring the number of Mejlis deputies up to 120, yet in October, the new law contained the figure 65. President Niyazov resolutely rejected elections by party lists as absolutely unacceptable.

The spectacle played out at the 16th Session of the parliament was the apotheosis of the official attitude toward elections. The chairman of the Central Election Commission suggested that discussion of the draft law on Election of the President of Turkmenistan be removed from the agenda because of Niyazov's outstanding role as the nation's leader. The president objected, yet the deputies unanimously refused to discuss even the possibility of electing a new president.

It is obvious that Turkmenian political reality is following the Soviet tradition: the nation's leader is irreplaceable and must die in his post.

¹⁷ These constituencies contained 230 polling stations.

¹⁸ In the constituency in which President Niyazov also voted.

¹⁹ See: *Neytral'ny Turkmenistan*, 4 January, 2005.